

ORDINANCE NO. 4940

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 11.01, WATER SYSTEM RULES AND REGULATIONS, AND DECLARING AN EMERGENCY.

THE PEOPLE OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1: Albany Municipal Code Chapter 11.01, Water System Rules and Regulations, is hereby amended to read as specifically described as follows:

Title 11

WATER

Chapters:

11.01      Water System Rules and Regulations

Chapter 11.01

WATER SYSTEM RULES AND REGULATION

Sections:

11.01.010      Definitions.  
11.01.020      Service area.  
11.01.030      Description of service.  
11.01.040      Application for service.  
11.01.050      Bills and payment.  
11.01.060      ~~Delinquent~~ Past due accounts.  
11.01.070      Notices.  
11.01.080      Discontinuance of service.  
11.01.090      Meter error.  
11.01.100      New service connections and meters.  
11.01.110      Multiple-block dwellings.  
11.01.120      Main extensions.  
11.01.130      Special facilities.  
11.01.140      Service outside city limits.  
11.01.150      Fire protection service.  
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11.01.170      Pools and tanks.  
11.01.180      Fire hydrants.  
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11.01.210      Customer control valves.  
11.01.220      Cross connections.  
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11.01.227      Water service denied upon failure to meet requirements.  
11.01.230      Water waste.  
11.01.240      Access to premises.  
11.01.250      Interruptions in service.

- 11.01.260 Resale of water.
- 11.01.270 Penalty.
- 11.01.280 Water main services and hydrants in local improvement districts.
- 11.01.285 Restricted use of water.
- 11.01.290 Building over water mains prohibited.
- 11.01.295 Separation of water mains and services from other utilities.
- 11.01.300 Authority of Utility.
- 11.01.310 Appeals.
- 11.01.320 Constitutionality: Savings clause.

11.01.010 Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

- (1) "Applicant" means a person, corporation, association, or agency applying for water service.
- (2) "Base charge" means a periodic charge for water service charged in addition to the consumption charge.
- (3) "City" means the City of Albany, a municipal corporation of the State of Oregon.
- (4) "Commercial services" means provision of water to mercantile establishments, professional offices, public or governmental buildings, hospitals, retirement homes, churches, ~~combined residential and commercial/mercantile business, and to apartment houses,~~ motels, manufacturing and processing uses not qualifying as Seasonal Food Processing or Industrial Service, and to multifamily dwellings and apartment houses except those in which each unit is metered separately. Service to any of the above listed Commercial Services in combination with any residential use shall also be considered as Commercial Service.
- (5) "Council" means the City Council of the City of Albany.
- (6) "Customer" means a person, corporation, association, or agency receiving water service.
- (7) "Consumption charge" means a charge placed on every hundred cubic feet (HCF) of water delivered.
- (8) "Cross-connection" means any physical arrangement whereby the public water supply is connected directly or indirectly with any nonpotable or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.
- (9) "Domestic service" means the provision of a metered service to a single living unit for purposes of normal domestic consumption including such uses as sprinkling lawns, gardens, and shrubbery; the watering of livestock; the washing of vehicles; and other similar or customary uses.
- (10) "Drop-in meter service" means a water service that may be provided by installing a meter in an existing meter box or vault at a service location where all of the service connection piping and appurtenances except the meter have previously been installed.
- (11) "Frontage" means the total length for which a parcel abuts one or more than one public right-of-way plus that length for which a public water line is located on (or is proposed to be located on) a parcel.
- (12) "High elevation service areas" means those areas served by the City's water utility that, require secondary pumping to provide adequate service.

(13) "Industrial service" means the provision of water to a customer ~~for use in manufacturing or processing activities.~~ through a 4-inch or larger meter for use in manufacturing or processing activities located on land designated for Industrial Use in the Albany or Millersburg Comprehensive Plans.

(14) "Low- and medium-density residential development" means residential development on land designated as R-1 Low Density Residential District or R-2 Limited Multiple Family Residential District by the Albany Development Code (Title 20, Albany Municipal Code).

(15) "Mains" means transmission or distribution pipelines located in streets, highways, and public and private right-of-ways which supply water for general public usage.

(16) "Maximum flow" means the flow through each meter size as established by the American Water Works Association as listed in AWWA Standards, Section C700, and shown below.

<u>Meter Size</u> <u>Inches</u>	<u>Maximum Flow in</u> <u>Gallons Per Minute</u>
3/4	30
1	50
1 1/2	100
2	160
3	320
4	500
6	1,000
8	1,600
10	2,300

(17) "Main extensions" means extension of transmission or distribution pipelines, exclusive of service connections, beyond existing facilities.

(18) "Minimum Charge" means the dollar amount charged for water service when the sum of the base charge and the consumption charge for any period is less than the adopted minimum charge for the applicable class of service and meter size.

(19)(18) "Multiple-blocks" means where more than one service unit exists per water meter.

(20)(19) "Municipal or public use" means the provision of water to governmental or public entities.

(21)(20) "Non-drop-in meter service" means a water service which requires installation of any piping or appurtenances before a meter can be provided and connected.

(22)(21) "Premises" means the property and/or unit(s) to which water service is being requested, or provided.

(23)(22) "Rate schedules" means those rates, charges, rentals, and regulations as they are set forth and amended from time to time by the City Council.

(24)(23) "Regular working hours" means the hours between 8:00 a.m. and 4:00 p.m., Monday through Friday, except City holidays.

(25) "Seasonal Food Processing Service" means the provision of water to a customer through a 2-inch or larger meter for use in primarily summer and fall dry-season food processing activities located on land designated for Industrial Use in the Albany or Millersburg Comprehensive Plans.

(26)(24) "Service connection" means the pipes, valves, meter boxes, and appurtenances necessary to supply water from mains through the meter, but this does not include the piping from the meters to the point of service.

(27)(25) "Service line" means all piping and appurtenances from the meter to the point of service. The service line is privately owned and maintained.

(28)(26) "Service unit" means each self-contained living unit or independent business activity that is served from a single meter.

(29)(27) "Temporary service" means service that will not be of a permanent nature such as circuses, fairs, construction, et cetera.

(30)(28) "Utility" means the City of Albany, a municipal corporation of the State of Oregon.

(31)(29) "Water system facility plan" means the current version of the master plan for development of the water system as amended or updated.

11.01.020 Service area. The area in which water service may be furnished at the Utility's option, including all that territory within the corporate limits of the City of Albany and Millersburg and certain areas adjacent or in reasonable proximity thereto. Except as provided by service contract, the service area shall be limited to the Albany and Millersburg city limits.

11.01.030 Description of service. (1) Supply. The Utility will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to its customers and to avoid any interruption in the delivery of said service.

(2) Quality. The Utility shall exercise reasonable diligence to supply safe and potable water at all times.

(3) Classes of Service. All service installed by the Utility will be classified as follows:

~~(a) Schedule 60 Public Fire Protection. Applies to fire hydrant service for public fire protection only.~~

(a) ~~(b) Schedule 61A Private Fire Protection (Inside City Limits).~~ Applies to standpipes, connections for automatic sprinkler systems, and fire hydrant service for private fire protection.

~~(b) (b) Schedule 61B Private Fire Protection (Outside City Limits).~~ Applies to standpipes, connections for automatic sprinkler systems, and fire hydrant service for private fire protection.

~~(c) (d) Schedule 62A Single-family Residential (Inside City Limits).~~ Applies to all single-family residences and to individual apartments or flats where service is furnished through a separate meter for each such individual apartment.

~~(d) (e) Schedule 62B Single-family Residential (Outside City Limits).~~ Applies to all single-family residences and to individual apartments or flats where service is furnished through a separate meter for each such individual apartment.

~~(e) (f) Schedule 63A Multi-family Residential and Commercial (Inside City Limits).~~ Applies to all commercial customers, including industrial seasonal food processing and mercantile establishments, stores, offices, public buildings not otherwise classified, public and private hospitals, schools, churches, mercantile and industrial establishments combined with residences, and apartment houses except those in which service to each apartment is metered separately.

~~(f) (g) Schedule 63B Multi-family Residential and Commercial (Outside City Limits).~~ Applies to all commercial customers, including industrial, seasonal food processing, and mercantile establishments, stores, offices, public buildings not otherwise classified, public and private hospitals, schools, churches, mercantile and industrial establishments

combined with residences, and apartment houses except those in which service to each apartment is metered separately.

~~(g)-(h) Schedule 64~~ Special Contracted Services. Applies to all residential, commercial, and industrial customers who have need for special services and for which rates will be negotiated.

11.01.040 Application for service. (1) Application. Each applicant for water service may be required to sign a form provided by the Utility setting forth:

- (a) Date of application.
- (b) Location of property to be served.
- (c) Date for which service is being requested.
- (d) Class of service (commercial, residential, et cetera).
- (e) The address to which bills are to be delivered.
- (f) Whether the applicant is an owner or tenant of the property.
- (g) Owner of property, address, et cetera.
- (h) Credit information as pertinent to the customer account.
- (i) Where required, a waiver of remonstrance agreement form

shall be attached to the application for water service in conformance with Section 11.01.100(1)(d) of this Code.

(j) An agreement to be jointly and severally obligated, along with all water customers receiving service at the location noted above, to abide by all applicable ordinances and regulations pertaining to water service, and to pay all costs, damages, and fees which may be incurred as a result of water service provided to this location until such time as the customer requests the termination of service.

(k) Such other information as the Utility may reasonably request.

(2) Deposits.

(a) Turn-on's. Deposits shall be required with each application of service of each residential user and deposits equal to an estimated three months' usage shall be required of each commercial and industrial user within 72 hours of application of service **except under the following circumstances:**

(1) If the applicant presents satisfactory evidence of ownership of the property where service is to be provided unless other information exists that indicate that the applicant is not an acceptable credit risk.

(2) Transfer. Deposits may be transferred from an existing account to a new account provided the existing account demonstrates a satisfactory credit record.

(b) Existing Users. All existing users, if service is discontinued for nonpayment, shall be required to comply with the deposit requirements of Subsection (a) of this section before service will be restored.

(c) Refund or Application of Deposits. Deposits will be refunded to the applicant or applied directly to the customer's account as follows:

(1) **Refund:** On termination of service, less any amount then due and payable.

(2) **Refund:** On the 15th of the month following 24 months of continuous service, ~~provided the applicant or customer has not had service discontinued for nonpayment during the same period~~ **except under the following circumstance whereby the Utility shall apply the deposit to the customer's account.**

(a) **Application of Deposit:** The Utility may on the 15th of the month following 24 months of continuous service apply the deposit directly to the customer's account if the account is found to be past due, or has been past due three times during a 12-month period, or if the account has been disconnected for nonpayment during a 12-month period.

(d) **Interest on Deposits.** Interest will be paid on any deposit at a rate determined by Council resolution.

(3) **Changes in Customer's Equipment.** A customer making material changes in the size, character, or extent of the equipment or operation utilizing water service, and if such change results in the consumption of larger or smaller amounts of water, said customer shall immediately give the Utility written notice of the change. Changes shall be made in accordance with Subsections (5) and (6) of Section 11.01.100 of these rules and regulations.

(4) **Special Contracts.** Contracts, other than applications, may be required prior to service where special circumstances warrant special consideration.

(5) **New Account Fees.** A charge will be collected for the activation of any account.

11.01.050 Bills and payment. (1) **Rendering of Bills.**

(a) **Meter Readings.** Meters will be read at regular intervals for the preparation of periodic bills and as required for the preparation of opening, closing, and special bills.

(b) **Estimated meter readings.** Meter readings will be estimated based upon the averaging of the customer's consumption records in the event that it is impossible or impractical to read a meter for the preparation of a water bill. Failure to read the water meter does not relieve the customer's obligation to pay for actual or estimated water use.

~~(b) (c) Bills for water service. Bills will be rendered as provided in the rate schedule established by Council resolution.~~

~~(c) (d) New Accounts and Closing Accounts. Accounts will have the periodic base and minimum charges prorated through the day that service is terminated (for closing accounts) or on the day started (for new accounts).~~

~~(d) Interest. All accounts with amounts owing over 30 days following the original billing date will be charged an interest fee on the principal as specified by Council resolution.~~

(2) **Payment of Bills.**

(a) All bills are due and payable on presentation. Payment may be made at the Utility's office.

~~(b) Closing bills will be collected at the time of discontinuance of service.~~

~~(c) (b) When bills are delinquent past due, the Utility will follow the procedure as outlined in Section 11.01.060.~~

(3) **Billings of Separate Meters Not Combined.** Each meter on a customer's premises will be considered separately, and the readings of two or more meters will not be combined.

(4) **Individual and Joint Service.** Two or more parties who join to make a single application of service shall be jointly and individually liable for all charges incurred on the account. Joint applications of service will only be sent a single bill.

11.01.060 Delinquent Past due accounts. (1) A water account is delinquent past due if it is not paid within 30 days following the date of billing of said account.

(2) A second notice (~~delinquent past due notice~~) will be mailed to all unpaid accounts on or about 30 days following the original billing date; said notice will state that ~~water service will be discontinued after the 19th day following the date of mailing the second notice (delinquent past due notice) unless payment is made.~~ the amount past due and request that payment or arrangements for payment be made within 10 days of the past due notice date. This past due notice will be sent to the customer's mailing address.

(3) A written warning notice to the customer shall be left at the premises on or about the 46th day following the original billing date stating that payment must be received in the City business office within 72 hours (3 days) or water service will be terminated. In the case of a multi-family unit serviced by a single meter, the written warning notice will be left at each dwelling unit whether or not occupied.

(4) In all cases of ~~delinquent past due~~ turn-offs, a notice shall be left on the door or mailed to the customer on or about the 49th day following the original billing date stating that water has been turned off and will remain turned off until all ~~delinquent past due~~ amounts and penalty charges are paid. Turn off notices for multi-family units serviced by a single meter will be left at each dwelling unit whether or not occupied. A service charge established by Council resolution will be charged and collected for each ~~delinquent past due~~ or disconnection notice sent or delivered to the customer's premises.

(5) In all instances where water has been turned off because of non-payment of a ~~delinquent past due~~ account, a service charge established by Council resolution will be collected in addition to the ~~delinquent past due~~ amount prior to restoring any service during regular working hours. An additional fee will be collected for restoration of service after regular working hours.

(6) The City Manager or the City Manager's agent, in the case of extreme hardship or by prior arrangement with the user, shall have the discretion of renewing or not discontinuing service to a ~~delinquent past due~~ account upon acceptance of a valid plan for the payment of all ~~delinquent past due~~, current, and future charges.

(7) Notice shall be given with the ~~second billing delinquent past due~~ notice that the customer shall have the opportunity, if they do not agree with the billing, to have a hearing on their account. The hearing shall be held by a hearings officer appointed by the Finance Director and the hearings officer's decision shall be binding. Written notice to the Utility by the customer of a request for a hearing must be given prior to the water service being disconnected; otherwise, the customer must pay all ~~delinquent past due~~ accounts plus any restoration charges prior to service being restored. If the hearing is held and the hearings officer finds in favor of the customer, any or all of the appropriate charges may be adjusted or returned to the customer based upon the findings of the hearings officer.

(8) If any unpaid account balance remains ~~30 days~~ after the initial due date of the closing bill, the Utility may:

(a) Apply deposit.  
(b) Transfer any remaining balance to the customer's new water account.

(c) Initiate other collection action against the customer.

(9) In cases where termination of service for a ~~delinquent past due~~ account may cause severe hardship or loss of life, the Utility may initiate other collection action against its customers. This action may include the use of small claims court and/or district court, if appropriate.

11.01.070 Notices. (1) Notices required to be given by the Utility to the customer will normally be given in writing, and may be delivered to the customer personally or by mail to the address for which service is rendered.

(2) Notice from the customer to the Utility shall be given by the customer or authorized representatives orally or in writing at the Utility's office.

11.01.080 Discontinuance of service. (1) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures as listed in Section 11.01.060.

(a) Nonpayment of Deposit. A customer's water service may be discontinued if the deposit is not paid within 72 hours of application of service as listed in Section 11.01.040.

(2) Unsafe Apparatus.

(a) The Utility may refuse to furnish water and may discontinue service to any premises where apparatus, appliances, or equipment using water is dangerous, unsafe, or is being used in violation of laws, ordinances, or legal regulations.

(b) The Utility does not assume liability for inspecting apparatus on the customer's property. The Utility does reserve the right of inspection, however, if there is reason to believe that unsafe or illegal apparatus is in use.

(3) Service Detrimental to Others. The Utility may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(4) Fraud and Abuse. The Utility shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud or abuse.

(5) Noncompliance. The Utility may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these water system rules and regulations any time after giving written notice to the customer of the Utility's intention to discontinue service. If such non-compliance affects matters of health or safety or other conditions that warrant such action, the Utility may discontinue water service immediately.

(6) Customer Request for Service Discontinuance.

(a) Customers may have their water service discontinued by notifying the Utility during normal working hours and providing at least 24 hours' advance notice (excluding weekends) of the desired weekday date of discontinuance. The customer will be required to pay all water charges through the date of such discontinuance.

(b) If notice is not given to the Utility, the customer will be required to pay for the water service through the date the Utility has learned that the customer has vacated the premises or otherwise has discontinued service.

(7) Restoration: Reconnection Charge. The Utility shall charge, as provided by Council resolution, for restoring water service which has been discontinued because of noncompliance with these rules. Water service which has been discontinued because of nonpayment or noncompliance with these rules shall not be restored in the name of any relative, friend, family member, nor in the same customer name when the head of the household has not changed or when the customer of record at that service location would continue to receive water service unless all charges have been paid.

(8) Penalty for turning on water service without authority. Should the water be turned on by any water customer or other person without authority from the Utility, the water may then be shut off at the main or the meter may



be removed. The charge for shutting water off at the main shall be the actual cost plus 15 percent overhead. The charge for removing and/or reinstalling the meter shall be established by Council resolution. All such charges shall be chargeable to the customer, and water shall not again be furnished to such premises the customer until said charges are paid.

(9) Tampering. Water services locked-off for nonpayment or noncompliance will be subject to tampering fees as specified by Council resolution should any consumer or person without authority from the Utility remove or destroy said locking devices in order to self-restore water service. Tampering charges and/or costs shall be chargeable to the customer.

11.01.090 Meter error. (1) Meter Test.

(a) Prior to installation, each meter will be tested, and no meter found to register more than two percent fast or slow under conditions of normal operation will be placed in service.

(b) On Customer Request.

(1) A customer may request the Utility to test the meter serving the customer's premises.

(2) The Utility may require the customer to deposit an amount to cover the reasonable cost of the test as established by Council resolution.

(3) This deposit will be returned if the meter is found to register more than two percent fast. This deposit will be forfeited if the meter is found to be accurate or slow.

(4) A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

(c) Utility Initiated Meter Testing.

(1) The Utility may temporarily interrupt water service in order to test existing meters or make repairs.

(2) In lieu of Section 11.01.090(1)(c)(1) immediately above, the Utility may, at customer's expense, install bypass piping in order to maintain water service during meter testing or repairs.

(2) Adjustment of Bills for Meter Error.

(a) Fast Meters. When, upon test, a meter is found to be registering more than two percent fast under conditions of normal operation, the Utility will may adjust the account or refund to the customer the full amount of the overcharge based upon averaging on corrected meter readings for a period not exceeding ~~one billing~~ to exceed a three-year period that the meter was in error and in use.

(b) Slow Meters.

(1) When, upon test, a meter used for domestic or residential service is found to be registering more than 25 percent slow, the Utility may bill the customer for the amount of the undercharge, based upon averaging corrected meter readings for a period not exceeding ~~one year billing period~~ that the meter was in use.

(2) When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent slow, the Utility may bill the customer for the amount of the undercharge based upon correct meter readings for a period not exceeding two billing periods that the meter was in use.

(c) Nonregistering Meters. The Utility may bill the customer for water consumed while the meter was not registering. The bill will be calculated using an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison

with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

(d) Adjustments on Account of Underground Leaks. Where it can be demonstrated that an existing underground leak between the meter and the building has been repaired, the Utility may allow an adjustment of up to 50 percent of the estimated excess consumption due to leakage, for no more than the last billing period. Adjustments shall not be permitted due to leaking plumbing fixtures or the apparent continued waste of water due to a negligent failure to repair.

11.01.100 New service connections and meters. (1) The Utility may furnish and install a service of such size and at such location as the applicant requests, provided:

(a) Such requests are reasonable.

(b) The location is such that the Utility has in place a distribution main of sufficient size adequate to provide service to this location without detriment to existing customers. In all cases, the final location of the proposed meter shall be subject to approval.

(c) That such a distribution main is adjacent to and extends along the full length of the property frontage along the right-of-way.

(d) Where a parcel has more than 150 feet of frontage along a right-of-way and the parcel is being developed in phases; and the water line is not currently needed for the full length of the parcel to facilitate service to other properties, to provide fire protection, or to meet other utility system needs, the requirement of Section 11.01.100(1)(c) of this Code (ordinance) may be reduced, where approved, by delaying the requirement for a water main adjacent to that portion of the parcel which remains as an undeveloped portion of a future phase. Such delay, if authorized, is contingent upon the signing of a waiver of remonstrance agreement which commits the parcel to participate in a future local improvement (assessment) district for the extension of water main(s).

(e) Where the property abuts more than one street or right-of-way, water mains shall be extended for the full length of the property frontages along the right-of-ways for all frontages, unless it is determined that the extensions on the frontages from which service is not being taken is not currently needed for water pressure, system capacity, or fire protection, nor to facilitate service to other properties, and that said water mains may be completed at a future time. In that case, where authorized, the owners of the property to be serviced shall sign a waiver of remonstrance agreement which commits the parcel to participate in a future local improvement (assessment) district for the extension of this water main. This agreement may be incorporated into the water service application form.

(f) The Utility shall be the sole judge in determining the meaning and provisions of, and conformance with, any conditions for providing service to a property.

(g) Service taps on 16-inch and larger mains shall include an accessible gate or butterfly valve in a valve box at the connection of the main and the service line. Direct taps on 16-inch and larger mains shall be minimized.

(h) The applicant shall provide and maintain an accessible, unflooded vault of a size as specified for all meters larger than 2 inches.

(2) A water connection fee, an installation fee, and a deposit shall be paid by the party requesting the installation of the service, at the time said request is made. The water fees and deposits are established by Council resolution.

(a) Refund Not Permitted. If properties change from one use to a lower use requiring a lower connection fee, no refund for connection fees shall be made.

(b) Payment of Fees. Before a building permit may be issued, the applicant shall pay to the Utility the necessary connection and installation fees herein provided for or shall make the necessary arrangements to pay such fees as provided in Subsection 11.01.100(2)(b)(1) of this Code, together with such other fees as may be provided by ordinances or resolutions now in effect or hereinafter adopted.

(1) Bancroft Bonding of Water Connection Fees. Connection fees to be paid under the provisions of this Code may be subject to payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon upon approval by the City Council.

(2) Water Connection Fee to Run With Land. A connection fee paid hereunder shall apply to the particular lot or tract for which it is issued. Any change of use which requires additional connections to the water system shall cause an additional fee to be paid for each additional connection. The owner of the property shall be given credit only for those connections theretofore paid involving the same parcel of property. Where a structure which is served by water from the Utility is destroyed by fire, flood, wind, or act of God, no connection fee shall be charged for a replacement of the structure, provided the use thereof is not intensified.

(3) Included in the charges are all meters and necessary appurtenances for installation and continued operation of the service which the Utility will supply.

(4) All meters shall be sealed by the Utility at the time of installation and no seal shall be altered or broken except by an authorized agent of the Utility.

(5) Change in Location or Reduction in Meter Size or Service.

(a) Change in the location of service at the convenience or request of the customer shall be done at the customer's expense.

(b) Reduction in meter size requested by the customer shall be only if the request is reasonable and approved. Charges for these reductions are established by Council resolution.

(6) Increases in the Size of the Meter and Service. If a change in the size of a meter and service is requested and approved, the installation will be accomplished at a charge based upon time and material costs plus 15 percent overhead. Where the meter size increases, a connection charge shall also be charged, but a credit, equal to current connection charge for the existing meter, shall be given toward the connection charge for the new meter.

(7) Ownership. The service connection, whether located on public or private property, is the property of the Utility and the Utility reserves the right to repair, replace, and maintain it, as well as to remove it upon discontinuance of service.

(8) Charges for Service Pipes Connected without Permit. If the premises are connected without the application prescribed in this section, such premises shall be immediately disconnected. Before a new connection is made, the applicant shall pay double the rate for the estimated quantity of water consumed prior to the effective date of metered service, plus a tampering fee as authorized by Council resolution. A new connection shall only be made upon compliance with provisions of this Code.

(9) Abandoned and Nonrevenue-Producing Services. Where a service connection to any premises has been abandoned or not used for a period of one year or longer, the Utility may remove such service or meter. If the service or meter has been removed, service shall be restored only upon the owner making application and paying all costs associated with the reinstallation.

(10) Leaking or Unused Services. Where there is a leak between the main and the meter, the Utility shall make all repairs. When a service connection is damaged or destroyed by contractors or others, or where service connections are destroyed by electrolysis, the person, contractor, or company responsible for such damage or destruction shall pay the Utility for the cost of repairing or replacing such connections on the basis of the direct cost to the Utility in labor and in materials, plus 15 percent overhead. Where a customer service line is leaking or has a history of repair problems which has

resulted in leak adjustments, service to this customer shall not be activated until the customer can demonstrate the problem has been eliminated. Action necessary may be in the form of partial or total replacement of the customer's plumbing and/or deposit of sufficient funds to cover estimated consumption.

Customers with serious water leaks which, will cause extreme financial hardship or detrimental service to other customers may have their water service terminated after 24 hours' notice. In cases of leakage causing severe detriment to other customers' service, water service may be terminated immediately.

11.01.110 Multiple-block dwellings. (1) Number of Services to a Separate Unit. Separate service units under single or common control or management will each be supplied through individual service connections unless otherwise authorized.

(2) For division of multiple-block dwellings not under common management, new service must be supplied to each unit.

(3) Service to Multiple-block Dwellings. Separate houses, buildings, living, or business quarters on the same premises, or on adjoining premises, under a single control or management, may be served as authorized by either of the following methods:

(a) Through separate service connections to each or any unit if that pipeline system for each service is independent of the others and is not interconnected.

(b) Through a single service connection to each physically separated structure.

(c) The liability for payment of charges for all water furnished to combined units, supplied through a single service connection of approved capacity, is that of the owner of the property.

11.01.120 Main extensions. (1) A main extension and/or special facilities shall be required to service all property which cannot obtain service as outlined in Section 11.01.100 of this Code.

(2) The following rules shall apply to all extensions:

(a) The minimum size of the water main to be installed shall be 6 inches in diameter where a larger size is not needed to provide required fire flows, provide adequate system or customer flows and/or pressures, conform with the size of existing mains being connected to, meet future needs, or conform to the size specified by the Utility's Water System Facility Plan.

(b) All water mains shall be public, installed in public right-of-ways or public utility easements. The normal routing for the water main extension shall be in a dedicated street right-of-way.

(c) The Public Works Director or Director's agent shall design or approve extensions to the water system and shall have the sole right to determine size, location, and type of facility to be constructed. All engineering shall be based on both domestic and fire protection design criteria. Those not designed by the Public Works Director or Director's agent shall be designed by a Registered Engineer licensed in the State of Oregon to design these facilities. All water main extensions shall be designed and constructed to meet the approval of the Utility and the Oregon State Health Division. All extensions shall be consistent with the Water System Facility Plan.

(d) The installation of all water facilities shall be by City forces or through a bonded contractor.

(e) All main extensions shall extend to the extreme property line of the development or lot. If the property has excess frontage on the right-of-way and only partial development is to occur, then some consideration

may be given to shortening the extension, provided sufficient assurance is given to ensure the completion of the extension at the time other development occurs. Where mains are being extended into the interior of a property or development, the mains shall be extended through to the boundaries of the property at all such points as shall be determined as needed unless it is determined that the extensions are not needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties.

(f) The Utility may pay for the additional cost of materials due to the oversizing of main extensions over 8 inches in low- and medium-density residential development, provided the petitioner's individual service and fire protection needs do not dictate a larger line size. The Utility may pay for the additional cost of materials due to the oversizing of main extensions over 12 inches in diameter for all other land uses, provided the petitioner's individual service and fire protection needs do not dictate a larger line size. The oversize payment shall be limited to pipe and fitting material cost differences only.

(g) The Utility may, at its option, supply materials for main extension projects. All material supplied by contractors must meet strict material specifications set forth by the Utility. Failure to do so will result in nonacceptance of the projects. All materials supplied by the Utility to any main extension project shall be billed at the Utility's replacement cost, plus a 15 percent overhead and handling charge.

(h) All main extensions and system design shall include fire hydrants and other devices at intervals consistent with the recommendations of the Water System Facility Plan, except as modified by the fire marshal. The fire hydrants shall be considered as incidental to the water mains. Where local improvement districts are established, the cost of fire hydrants shall be considered as part of the total assessable cost. Where mains are extended under permit, the cost of fire hydrants shall be the responsibility of the permittee. Where fire hydrants are installed on an existing water main to provide fire protection for a proposed development, the installed cost of the fire hydrants shall be the responsibility of the developer.

(i) Under conditions where hydrants are required within the property to be served, the main must be extended to the hydrant locations. Easements for these internal lines and hydrants must be provided by the developer.

(j) In large projects or projects where extensive engineering or design is required prior to preliminary estimates or design being obtained, a cash advance may be required to cover the cost of such engineering or design. All engineering drawings and documents and other work completed by the Utility will be understood to be the property of the Utility.

(k) In areas of service above the main system service elevation, special facilities will normally be required in addition to main extensions to provide service (Section 11.01.130).

(l) Financing of Extensions. There are two basic means of financing main extensions, as outlined below.

(1) Total Project Cost. Under this method the developer is required to pay the total cost of the project. An estimate covering approximate total costs related to the project may be supplied by the Utility. If developers install the project themselves or through their own contractor and supply materials, a cash advance sufficient to cover the estimated cost for the utility services needed on the project may be required prior to starting the project. Upon completion of the project, actual costs will be computed and an adjustment made to the contractor or to the Utility

appropriately. In the case of complex projects (projects involving disruption of or cutting into existing roadways, utilities, or pedestrian ways, or other projects where partial completion of the project could result in expense to the Utility), the developer may be required to supply a bond to cover the estimated cost of engineering and construction.

(2) Local Improvement Districts. Local improvement districts may be formed and bonds sold to fund main extensions and special facility projects.

(m) Subject to available funds, refunds may be made to the developer in areas where the developer is required to extend mains beyond the property frontage. If developers are to install the project themselves or through their own contractor and supply materials, they must secure three competitive bids for the total construction cost of the extension. These bids must be turned into the Utility for review and approval of Utility participation, prior to beginning work. Where approved for funding, an invoice shall be submitted to the Utility after construction is completed for its portion of the project cost. The cost to the Utility shall not exceed the cost determined using the lowest bid.

(n) Installers of any and all water lines or appurtenances must meet minimum standards. These standards shall include, but are not limited to, insurance requirements, bonding requirements, and experience in the field of water line installation. The water lines must be installed in accordance with the Utility's specifications which are available upon request. Unless the work is being performed under a City contract, all main extensions shall require a "permit to construct public facilities" and the payment of the associated permit fee. The permit fee shall be 2.5 percent of the total construction cost unless otherwise set by Council resolution.

(o) If developers install and purchase the material themselves, they must guarantee the project for a period of one year from the date of acceptance of the project by the Utility.

(p) A contract agreement between the developer and the Utility outlining the above criteria must be signed before the start of the project.

11.01.130 Special facilities. (1) In any high-elevation service area, special facilities in the form of booster pumps, storage tanks, control equipment, et cetera, may be required. The Utility shall approve all special facilities and shall have the sole right to determine the size, location, and type of facility to be constructed.

(2) The party or parties requesting the service to the high-elevation service area shall pay the full cost of said facilities including materials, installation, engineering, surveying, et cetera, as may be required.

11.01.140 Service outside city limits. (1) Application for Service. Each application for service outside the city may be acted upon on its merits without regard to any other past or present application or service. If service is approved, the cost of service connection fees plus applicable rates will be those charges and regulations set forth and approved by the Council and the same as they may be amended from time to time unless otherwise set forth in a service contract.

(a) Service limitation. The Utility shall not provide water service to any property outside the Albany city limits when such property is contiguous to the city limits and eligible for annexation to the City of Albany.

(b) Users. No use and benefits of the water system shall be extended to or made available to any property outside the Albany city limits,

except under a contractual agreement with the owners of said property, and only then when the property is not contiguous to the City of Albany at the time water service is requested.

(c) Contract. Use and benefits of the water system may be granted to property owners outside of the Albany city limits on a contractual basis only. Except for contracts with another public agency, the contract shall require that in order to continue to receive water service, the property owner shall annex the property to the City of Albany at the earliest date that the property becomes eligible for annexation under the laws of the State of Oregon. A contract for water service may further require provisions for financing of the water extensions, annexation of property served by contract to a public agency, termination of the service contract if any conditions are not met, and any other requirements which are deemed in the best interest of the Utility.

(2) Rules and Regulations.

(a) All customers receiving water from the Utility shall comply with and be bound by these rules and regulations.

(b) Customers shall cooperate to a reasonable and practical extent with other customers with regard to the extension or enlargement of common facilities.

11.01.150 Fire protection service. Fire protection service shall be allowed under the following conditions:

(1) When the owner of a property or building desires such service and a main of sufficient size and volume is present, adjacent to or which may be extended to the property (See Section 11.01.120, Main Extensions) in such a manner as to provide the service required.

The fee for fire services shall be an advance payment of the estimated cost, as specified by Council resolution, of the work to be done before the installation of the service connection. When the estimated cost is not sufficient to cover the actual cost, the deficit shall be billed to the applicant and must be paid prior to activation of the service. Any excess payment shall be returned to the applicant.

(2) The owner or agent of such a building shall agree that no water may be used from the system except for extinguishing fires or periodic testing. Before any water for testing can be used, the owner or agent must receive written permission.

(3) All fire systems and private hydrants, wet or dry, shall be equipped with the appropriate backflow prevention assemblies as set forth in Section 11.01.225(3)(e).

(4) In the case of existing fire services which do not meet the conditions of Subsection (3) of this section, the hydrants or hose connection may be sealed in such a manner as to indicate use thereof. If the seal is found to be broken, it will be assumed that water is being used from the fire service which is a violation of these rules and which results in action being taken as outlined in Subsection (5) of this section.

(5) Where any violation of any of the above subsections exists, service may be immediately discontinued. In the case where no detector or proportional meter exists, then one will be required before service is restored. In cases where there is a detector or proportional meter, then the owner or agent must provide satisfactory assurances that the use of water will cease or appropriate means are provided to ensure payment for all the water used. The customer will also be required to pay for all water used. The Utility shall estimate this amount in cases where it cannot be determined. The bill must be paid prior to service being restored.



(6) No charge will be made for water used in the extinguishing of fires.

(7) The cost of all detector checks, proportional meters, backflow devices, and related appurtenances shall be borne by the customer.

(8) Service connections and all equipment appurtenant thereto, including the meter, shall be the sole property of the Utility.

(9) Standby charges for automatic fire service are established by Council resolution.

(10) Pressure and Supply. The Utility assumes no responsibility for loss or damage because of lack of water or pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

11.01.160 Temporary service. (1) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless extension of time is granted in writing by the Utility.

(2) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates for other customers.

(3) Installation Charge and Deposits. The applicant for temporary service will be required:

(a) To pay the Utility in advance the estimated cost of installing and removing all facilities and overhead charges necessary to furnish such service; or if service is supplied through a fire hydrant, the applicant will be charged applicable fees as established by Council resolution.

(b) To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to establish credit approved by the Utility.

(c) To deposit with the Utility an amount equal to the value of any equipment loaned by the Utility to such applicant for use on temporary service. This deposit is refundable under terms of Subsection (4) of this section.

(4) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours' notice in writing has been given to the Utility that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs, including overhead charges, shall be paid by the customer.

11.01.170 Pools and tanks. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the Utility prior to taking such water.

Permission to take water in unusual quantities will be given only if it can be safely delivered through the Utility's facilities and if other consumers are not inconvenienced.

11.01.180 Fire hydrants. (1) Unauthorized Use of Fire Hydrant. No person or persons other than those designated and authorized by the proper authority, or by the Utility, shall open any fire hydrant or attempt to draw water from it in any manner. Violation of this regulation will result in a water-use fee due and payable immediately. Any future water service request

will be denied until this fee has been paid. Continual violation of this rule shall lead to prosecution.

(2) Damage of Fire Hydrants. No person or persons shall damage or tamper with any fire hydrant. Any violation of this regulation shall lead to prosecution.

(3) Authorized Use. In order to obtain authorization to use a fire hydrant, the customer must contact both the Utility and the fire department. The Utility will determine a hydrant the customer may use, after which they must get the fire department's written permission.

At the time the customer signs up for temporary water supply from a fire hydrant, the customer must supply the Utility with an estimate of water to be used, address and name of who will be responsible for the bill, and the time and date water will be taken from the system. This information will be placed on the appropriate form and signed by the customer or the authorized agent of the customer. The bill will be generated from metered usage readings after the service is used. If an account is to be active more than 60 days, a partial bill will be prepared.

Any party using a hydrant must install an auxiliary control valve on the hydrant. This valve will be used to control the volume of water discharged from the hydrant. Where the use of the water from the hydrant requires backflow prevention, the customer is responsible for the proper installation and operation of the required backflow prevention assembly.

(4) Water Bill. The amount to be paid for the water used shall be based upon a standard account: Set-up fee plus a bulk rate charge established by Council resolution.

(5) Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the Utility has fulfilled its obligation. If a property owner or other party desires a change in the size, location, or type of the hydrant, said property owner shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the Utility and the fire department.

(6) Charge for Installation and Annual Maintenance for Rural Hydrants.

(a) All rural fire hydrants will be installed at cost, providing a Utility water main of sufficient size is located in the desired hydrant location.

(b) All maintenance for public hydrants shall be the responsibility of the local governmental fire district or city fire department district in which they appear.

(c) A standby charge for each hydrant shall be charged per the rate resolution.

(7) All required new fire hydrants, shall be served by a public water main and shall be owned by the Utility.

11.01.190 Responsibility for equipment. (1) The customer shall, at the customer's own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water. For all services with meters larger than 2 inches, this shall include an accessible, unflooded, customer provided and maintained, utility vault of a size specified. Vault metering, piping, and valving shall be as specified. The Utility shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care, or wrongful act of the customer or any of customer's tenants or agents in installing, maintaining, using, operating, or interfering with such equipment. The Utility shall not be responsible for

damage to property caused by spigots, faucets, valves, and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(2) No customer shall allow the extension of their service to another property or customer.

11.01.200 Damage to Utility's property. The customer shall be liable for any damage to a meter or other equipment or property owned by the Utility which is caused by an act of the customer, customer's tenants, or agents. Such damage shall include the breaking or destruction of locks by the customer or others on or near a meter and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The Utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

11.01.210 Customer control valves. The Utility shall install a suitable control valve on all new customer service lines one inch and smaller. This valve shall be located in the meter box for the convenience of the customer in controlling the entire service line. The valve from that period forward shall be the responsibility of the customer to maintain. Where requested by the customer, the customer shall be responsible for installing a customer control valve on all existing service lines one inch and smaller.

All customers with services larger than one inch shall install their own customer control valve as close to the meter as possible. This valve shall be housed in a separate vault or box. The maintenance of this valve is also the responsibility of the customer.

The operation of the Utility's angle meter valve located on the utility's side of the meter is not permitted.

11.01.220 Cross-connections. Customer's responsibility.

(1) No customer shall establish or maintain a cross-connection to the public water supply.

(2) If a cross-connection is found in the customer's water system, the customer will be informed of this condition in writing and given 60 days to correct the problem or install an approved backflow prevention assembly. If the customer does not comply within the 60 days, the provisions of Section 11.01.227 shall be enforced.

(3) The customer shall comply with the provisions of Section 11.01.225 of this Code.

(4) The customer shall own and maintain any required backflow prevention assemblies.

(5) The customer shall provide sufficient information for the utility to evaluate the degree of any potential, suspected, or actual cross-connection.

11.01.225 Backflow prevention requirements. (1) All backflow prevention assemblies required herein shall be of a type and model approved by the Oregon State Human Resources Department, Health Division (OSHD), and shall be installed in accordance with OSHD requirements and the provisions of Subsection 11.01.225(3)(e) of this Code.

(2) Installation. Backflow prevention assemblies shall be installed by a state-licensed installer, at customer's expense, on each service line of the customer's system at or near the property line or, if approved, immediately inside the building being served, but in all cases, before the first

branch line leading off the service line wherever any of the following conditions exist:

(a) Where there is an auxiliary water supply which is or can be connected to the potable water piping.

(b) Where there is piping for conveying fluids (liquids or gases) other than potable water and where that piping is installed and operated in a manner which could cause a cross-connection.

(c) Where there are intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.

(d) Where there has been a history of repeating the same or similar cross-connections even though these have been removed or disconnected.

(e) Where there is a building over three stories in height or any plumbing system that is greater than or equal to 30 feet above the main from which it is served.

(f) Where there is backflow or back siphonage potential.

(g) Where the system is not open for inspection.

(h) Where the system is subject to being submerged.

(3) Device Type. The type of protective assembly required under Subsection 11.01.225(2) shall be commensurate with the degree of hazard which exists as follows:

(a) Air Gap or Reduced Pressure Assembly. An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel or an approved reduced pressure principle backflow prevention (RP) assembly shall be installed where the substance which could backflow is a contaminant or hazardous to health. Examples of premises where these conditions may exist include, but are not limited to, sewage treatment plants, pump stations, sewage piping, chemical manufacturing plants, hospitals, mortuaries, plating plants, car washes, medical clinics, and auxiliary water systems.

(b) Double Check Valve or Double Detector Check Valve Assembly. An approved double check valve (DC) assembly or double detector check valve (DDC) assembly shall be installed where the substance which could backflow is a secondary contaminant or objectionable but does not pose an unreasonable risk to health.

(c) Pressure Vacuum Breaker or Atmospheric Vacuum Breaker. An approved pressure vacuum breaker or an atmospheric vacuum breaker shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping. A shutoff or control valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker.

(4) Locations. Examples of locations requiring backflow prevention assembly are listed below, but are not limited to:

(a) Irrigation Systems. In the case of irrigation systems, an approved atmospheric vacuum breaker or an approved pressure vacuum breaker may be authorized, provided no back pressure is possible and no chemical or material injection or mixing exists.

(b) Private Fire Protection Services. In the case of all private fire protection services, an approved backflow prevention assembly with a monitoring meter or detection system to detect unauthorized use or leakage within the system and a remote meter shall be required. The type of backflow prevention device shall be as follows:

(1) An approved double detector check valve assembly shall be required for low and medium hazards. Low and medium hazards are systems with or without pumper connection but no auxiliary water supplies available,

chemical or additives, detectable cross-connection, and serving a building three stories or less.

(2) An approved reduced pressure principle backflow prevention assembly and a single detector check shall be required for high hazards. High hazards are systems with auxiliary water supplies, chemical additives, detectable cross-connections, or a building exceeding three stories.

(c) New Construction. Where adequate plans and specifications are not available and no realistic evaluation of the proposed water uses can be determined, the installation of maximum backflow protection may be required at the water service connection.

(5) Inspections and Leakage Tests. It shall be the duty of the assembly owner at any premise where backflow protective assemblies are installed to have thorough inspections and leakage tests made immediately upon installation of assemblies, when assemblies are moved, and at least once a year, or more often in those instances where successive inspections indicate repeated failure. The frequency of these tests or the replacement of the assembly because of failure shall conform to State of Oregon regulations. The inspections, tests, repairs, and/or replacement of assemblies shall be at the expense of the assembly owner and shall be performed by an assembly tester who is licensed by the Oregon State Health Division. Test and repair or replacement shall be performed within 30 days from receipt of notice to test. The assembly owner is required to contact a tester who can perform the work in the necessary period. The assembly owner shall notify the Utility a minimum of 48 hours in advance when the test is to be performed, so that the Utility may witness the test if so desired. Records of such tests, repairs, and overhaul shall be kept by the owner and a copy submitted to the Utility within 30 days of completed tests.

11.01.227 Water service denied upon failure to meet requirements.

Water service to the premises may be immediately discontinued or denied by a physical break in the service until the customer has corrected the following conditions as required in 11.01.220 to 11.01.225:

(1) In the case of extreme emergency, or where a reduced pressure principle backflow assembly is required, and where an immediate threat to life or public health or water system operation is found to exist.

(2) In other cases after a reasonable length of time the test, repairs, and/or replacement of assemblies or any other requirement within these regulations are not performed.

11.01.230 Water waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Utility may discontinue the service if such conditions are not corrected after notice to any customer at the location.

11.01.240 Access to premises. (1) The Utility shall at all reasonable times have the right to enter or leave the customer's premises for any purpose properly connected with the service of water.

(2) Any inspection or recommendations made by the Utility on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

11.01.250 Interruptions in service. The Utility shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be required for improvements and repairs. Whenever possible, and as time

permits, all customers affected will be notified prior to such shutdowns. The Utility will not be liable for interruption, shortage, or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war, or any other cause not within its control.

11.01.260 Resale of water. Except by special agreement with the Utility, no customer shall resell any of the water received from the Utility, nor shall water from the Utility be delivered to premises other than those specified in the application for service.

11.01.270 Penalty. Willful or continued violation of any of the provisions herein established shall be deemed a misdemeanor and anyone convicted of such misdemeanor shall be subject to penalties as provided in Section 1.04.010 of the this Code.

11.01.280 Water main services and hydrants in local improvement districts. (1) In areas of the city where property owners request local improvement districts in order to improve their streets, storm drainage, and/or sewer system, the following policy for water main and service replacement shall be in effect:

(a) Except as specified in Section 11.01.120(2)(f) of this ordinance, in areas where no water main exists, such main shall be assessed to the benefitting properties in the local improvement district.

(b) In areas of the system where existing lines are of sufficient size but of such age or construction which require excessive maintenance, the replacement of such lines shall be at the Utility's expense.

(c) In areas of the system where existing lines are adequate and the replacement or relocation of such lines are necessary primarily to conform to the street, storm, or sewer plans, all costs shall be included in the local improvement district assessments.

(d) The cost of all service relocations and/or replacements completed in conjunction with local improvement district projects shall be included in the local improvement district assessments.

(e) Where a particular property has frontage on intersecting public right-of-ways, and the property has previously been assessed or paid an in-lieu-of assessment for more than 50 linear feet of water line along either of the frontage, the first 50 linear feet of frontage from the other (second) frontage, may be excluded from the assessment calculation formula used in the establishment of the local improvement district.

(2) All fire hydrant requirements within local improvement districts shall be installed under the following policy:

(a) In areas where no fire hydrant exists, they shall be included in the local improvement district assessments.

(b) In areas where 4-inch or smaller hydrants exist, they may be replaced at the Utility's expense.

(c) In areas where hydrants exist which are adequate, 6 inches in size, and relocation or replacement is needed primarily to conform to street, storm, and/or sewer plans, all costs shall be included in the local improvement district assessments.

11.01.285 Restricted use of water. The City Council may, by motion, restrict the use of water from time to time by the implementation of either of the orders of restriction set forth below. The orders of restriction need not be applied in sequence.

- (1) The first order of restriction shall limit water uses as follows:
  - (a) Residences and businesses with addresses ending in even numbers may use water for sprinkling of lawns, gardens, and shrubbery; the washing of vehicles (except commercial car washes); and other similar exterior uses only on even numbered days of the month.
  - (b) Residences and businesses with addresses ending in odd numbers may use water for sprinkling of lawns, gardens, and shrubbery; the washing of vehicles (except commercial car washes); and other similar exterior uses only on odd numbered days of the month.
  - (c) Users who do not have a specific address (parks, school grounds, et cetera) may use water for sprinkling lawns and shrubbery on Mondays, Wednesdays, and Fridays only.
- (2) The second order of restriction shall prohibit the use of water for sprinkling of lawns, gardens, and shrubbery; the washing of vehicles (except commercial car washes); and other similar exterior uses until authorized by the City Council.
- (3) Willful or continued violation of any of the provisions herein established shall be deemed a misdemeanor, and anyone convicted of such misdemeanor shall be subject to penalties as imposed by Section 1.04.010 of the Albany Municipal Code.

11.01.290 Building over water mains prohibited. No structure requiring a building permit shall be constructed over or within 7.5 feet of a public water main.

11.01.295 Separation of water mains and services from other utilities. Except for crossings, all utilities, piping, conduits, and other underground lines shall be installed at a minimum of 5 feet of horizontal clearance from all Utility water mains and services unless a lesser distance is specifically approved in writing.

11.01.300 Authority of Utility. The Utility shall have sole authority to make discretionary determinations required by this Code. Such discretionary determinations are required where the Code calls for approvals, determinations, reasonableness, authorization, standards (or reductions thereof), judgments, estimates, requirements, sufficiency, options, impacts upon the water system and/or customers thereof, and similar words or phrases. In each case where such words or phrases are stated or implied, they shall be understood to mean "subject to the approval or determination of the Utility."

Said discretionary determinations, shall be based upon the following criteria: Anticipated impacts upon sufficiency and reliability of the water system; the water system facility plan; sound engineering practices in the field of municipal services; financial impacts; service to other properties; the potential to establish precedent; and the impacts of alternative actions.

11.01.310 Appeals. The approvals and determinations referenced in Section 11.01.300 of this Code shall be made by the City Manager of the City of Albany or the City Manager's authorized representative. Appeals of the decisions of the City Manager or the City Manager's authorized representative must be made to the Public Works Committee of the City of Albany by filing a written Notice of Appeal with the City Recorder within 30 days of the initial determination by the City Manager or the City Manager's authorized representative. The Notice of Appeal shall include a brief statement of the action or decision from which the appeal is taken, the relief sought, and the material facts claimed to support the contentions of the appellant. Upon

receipt of a Notice of Appeal, the Public Works Committee shall schedule a hearing on said appeal and notify the appellant thereof. A decision shall be rendered by the Public Works Committee on the appeal within 120 days of the filing of the Notice of Appeal. At the appeal hearing, the City Manager or the City Manager's authorized representative shall present to the Public Works Committee a response to the statement in the Notice of Appeal. Only those matters or issues specifically raised by the appellant in the Notice of Appeal or included in the response by the City Manager or the City Manager's authorized representative shall be considered in review of the appeal. The Public Works Committee may affirm the decision of the City Manager or the City Manager's authorized representative, modify the decision, or reverse the decision entirely.

The decisions of the Public Works Committee may, in turn, be appealed by either party to the City Council of the City of Albany by filing a written Notice of Appeal with the City Recorder within 30 days of the determination by the Public Works Committee. The Notice of Appeal shall include a brief statement of the action or decision appealed, the relief sought, and the material facts claimed to support the contentions of the appellant. Upon receipt of the Notice of Appeal the City Council shall, within 60 days, schedule a time to consider said appeal. The City Council may hear the appeal de novo or on the record made by the Public Works Committee. If a hearing is held before the City Council, the same procedures shall be used as set for a hearing before the Public Works Committee and the City Council shall have the power to affirm, modify, or reverse the decision of the Public Works Committee. The City Council shall decide the appeal within 120 days of the filing of the Notice of Appeal from the Public Works Committee decision. All decisions of the City Council shall be final.

Notwithstanding the foregoing, should the City Manager or the City Manager's authorized representative determine that the issue under consideration is of broad public interest or that concerns of timeliness necessitate a prompt resolution of any appeal, the City Manager or the City Manager's authorized representative may direct the initial appeal to the City Council, without the necessity of consideration by the Public Works Committee in which event, the City Council shall first hear the appeal and shall render a decision within 120 days of the filing of the Notice of Appeal.

11.01.320 Constitutionality; Savings Clause. If any clause, sentence, paragraph, section, article, or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which judgment is rendered.



WATER CONNECTION FEE ASSESSMENT DATA

Account # =====	Owner name / address =====	Description =====	Assessed Amount =====
WCFXXX001	THOMPSON, CLAYTON W 4281 COLUMBUS ST SE ALBANY OR 97321	2892 DEL RIO AVE SE # 0437950 DEERFIELD 1ST BLK-18 LOT-05 11-3W-20AD-504	AInum #00616 Asnum #6248 \$300.00
WCFXXX002	THOMPSON, CLAYTON W 4281 COLUMBUS ST SE ALBANY OR 97321	2474 FULTON COURT SE # 0436671 DEERFIELD 1ST BLK-18 LOT-20 11-3W-20AC-107	AInum #00631 Asnum #6250 \$300.00
WCFXXX003	PACIFIC CASCADE DEVELOPMENT 4250 IVORY WAY NE SALEM OR 97305	2966 45TH COURT SE # 0437000 DEERFIELD 1ST BLK-16 LOT-09 11-3W-20AD-308	AInum #00573 Asnum #6252 \$300.00
Report total			\$900.00

Section 2: EMERGENCY CLAUSE: Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, an emergency is hereby declared to exist and this ordinance shall become immediately effective and in full force upon its passage by the City Council and approval by the Mayor.

Passed by the Council: November 14, 1990

Approved by the Mayor: November 15, 1990

Effective Date: November 14, 1990

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder